



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,643	08/18/2003	Ralf Schaffrath	10191/3168	5238
26646 7590 08/04/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER CARDENAS NAVIA, JAIME F				
ART UNIT 3623		PAPER NUMBER		
MAIL DATE 08/04/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/643,643

Applicant(s)

SCHAFFRATH ET AL.

Examiner

Jaime Cardenas-Navia

Art Unit

3623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This **FINAL** office action is in response to communications received on May 5, 2008. Claims 1, 2, 5, 6, 9, and 12 have been amended. Claims 4, 10, 11, and 13 have been cancelled. Claims 1-3, 5-9, and 12 are pending.

Response to Amendment

1. Applicant's amendments to the drawings are **sufficient to overcome the objections to the drawings** as set forth in the previous office action.
2. Applicant's amendments, arguments, and cancellations of the claims are **sufficient to overcome all the 35 U.S.C. § 112, second paragraph, rejections** as set forth in the previous office action. Applicant's arguments regarding claim 5 were found convincing.
3. Applicant's cancellation of claims 10 and 11 are **sufficient to overcome the 35 U.S.C. § 101 rejections** set forth in the previous office action.

Response to Arguments

4. Applicant's arguments have been fully considered by the Examiner. In particular, Applicant argues regarding independent claims 1 and 9 that Gajewski does not teach or suggest (1) a process graph specifying the processes for manufacturing and assembling a product. Additionally, (2) Applicant argues that all dependent claims are allowable as a result.

Regarding argument (1), Examiner respectfully disagrees. A "process graph" is described in Applicant's specification, but it is not explicitly defined as containing the processes for manufacturing and assembling a product. Thus, using the broadest interpretation of a "process graph", Gajewski's teaching in par. 31 of a "7-panel chart" anticipates Applicant's claims of a process graph. Furthermore, Gajewski teaches a "design for manufacturing ease of assembly (DFMEA)" in par. 75 and "the development of detailed manufacturing plans" in par. 91, which clearly anticipate a process graph specifying the processes for manufacturing and assembling a product.

Regarding argument (2), Examiner respectfully disagrees. Dependent claims are not allowable as per the response to argument (1) above.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, 5-9, and 12 are rejected** under 35 U.S.C. 102(c) as being anticipated by Gajewski (US 2002/0120490 A1).

Regarding claim 1, Gajewski teaches:

A method for production planning, comprising:

subdividing a production planning sequence into individual sequence steps (par. 18, lines

1-3);

executing each of the individual sequence steps one after another (Figures 1A, 1B, and

1C); and

evaluating, after each of the individual sequence steps, a result of a preceding one of the individual sequence steps (Figures 1A, 1B, and 1C, the output of each step is an input for another step, and so it is inherent that the results of each step are evaluated before being used); wherein the individual sequence steps includes:

performing a market analysis (par. 19);

executing a value design process (par. 23);

setting up project premises (par. 20);

performing a product analysis (par. 30);

setting up a process graph (par. 31);
setting up a structural concept (par. 44);
working out a manufacturing concept (par. 91); and
setting up a rough layout (par. 105).

Regarding claim 2, Gajewski teaches wherein at least one of the individual steps may be repeated at least once (Figures 1A, 1B, and 1C, notice that some steps are labeled “recurring”).

Regarding claim 3, Gajewski teaches wherein the evaluating of the result of the preceding individual sequence step includes performing a static evaluation (Figures 1A, 1B, and 1C, the output of each step is an input for the next step, and so it is inherent that the results of each step are evaluated statically before being used).

Regarding claim 5, Gajewski teaches wherein the project premises include essential project premises and necessary project premises (par. 20, “vehicle system assumptions and timing and vehicle segment wants with QFD” are premises).

Regarding claim 6, Gajewski teaches performing an additional evaluation after setting up the rough layout (par. 106).

Regarding claim 7, Gajewski does teaches wherein the performing of the additional evaluation is performed as a dynamic and stochastic evaluation (par. 106, trade-off analysis is dynamic, risk analysis is stochastic).

Regarding claim 8, Gajewski teaches wherein the method is performed and linked into a product development process (see claim 1 for reference and rationale. Claim 1 teaches the method being performed and the method is a product development process).

Regarding claims 9 and 12, they are rejected using the same art and rationale used above for rejecting claim 1. This is because claims 9 and 12 claim a system and program product performing the method of claim 1.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaime Cardenas-Navia whose telephone number is (571)270-1525. The examiner can normally be reached on Mon-Thur, 9:30AM - 8:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 29, 2008

/J. C./
Examiner, Art Unit 3623

/Beth V. Boswell/
Supervisory Patent Examiner, Art Unit 3623